

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16144 of 2004

Between:

Md. Tajmia, S/o. Jahangir Ali,
In English, A.P.T.W.R. School, Miryalaguda (Boys), Nalgonda District.

..... PETITIONER

AND

- 1 The A.P. Tribal Welfare Residential Educational Society Rep. by its Chairman
cum Prl. Secretary to the Government
Social Welfare Department, Hyderabad.
- 2 The Member Secretary, Gurukulam, Andhra Pradesh
T.S. Bhavan, Masab Tank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of "MANDAMUS" declaring the action of the respondents in not promoting the petitioner as Principal of residential school either on adhoc basis or on temporary basis on par with his juniors as illegal, arbitrary, unjust and discriminatory and contrary to article 14 of the Constitution of India and consequently direct the respondents to promote the petitioner as Principal of residential school either on adhoc basis or on temporary basis on par with his juniors immediately in the interest of justice.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION NO.16144 OF 2004

ORDER:

The petitioner is working as a Post-graduate Teacher in English under the first respondent Society. He claims that he is eligible to be promoted as a Principal. The petitioner contends that though he did not pass the Accounts Test required to get the eligibility to the post of Principal, but since he crossed the 47 years of age he is exempted from passing the departmental test by virtue of G.O.Ms.No.225, dated 18.5.1999. Therefore, the first respondent Society ought to have considered his candidature for promotion as a Principal alongwith all other similarly placed persons. Since his candidature was not considered while giving promotions to several of his seniors and juniors, he made representations to respondents 1 and 2 on 12.8.2004 and 31.8.2004. The grievance of the petitioner is that no orders have been passed by the respondents on his representations. He, therefore, approached this Court seeking a direction to the respondents to pass appropriate orders on his representations regarding his request to consider his candidature for promotion as a Principal.

In the light of the circumstances explained by the petitioner, the respondents are directed to pass appropriate orders within eight weeks on the representations of the petitioner dated

12.8.2004 and 31.8.2004 by keeping in view whether G.O.Ms.No.225, dated 18.5.1999 is applicable to the petitioner.

The writ petition is accordingly disposed of.

(Dr.G.YETHIRAJULU,J)

Dated: 10.9.2004.

Mdaa.

Copy to :

- 1 The Chairman cum Prl. Secretary to the Government,
A.P. Tribal Welfare Residential Educational Society, Social Welfare Department,
Hyderabad.
- 2 The Member Secretary, Gurukulam, Andhra Pradesh
T.S. Bhavan, Masab Tank, Hyderabad.
3. Two C.Cs. to G.P., for Social Welfare, High Court of A.P., Hyderabad(OUT)
4. Two C.D.copies.